

ORIGINAL

2300 Pauahi Tower  
1003 Bishop Street  
Honolulu, HI 96813  
Phone 808.524.5644  
Fax 808.599.1881  
info@bhhawaii.net  
*A Law Corporation*

# Bronster Hoshibata

ATTORNEYS AT LAW

[XX] Via Hand Delivery

March 19, 2010

The Honorable Chairman and Members of the  
Hawaii Public Utilities Commission  
Kekuanaoa Building  
465 South King Street, Room 103  
Honolulu, Hawaii 96813  
Attn: Ji Sook Kim, Esq.

FILED  
2010 MAR 19 PM 1:55  
PUBLIC UTILITIES  
COMMISSION

Re: Docket No. 2009-0049 - Wai'ola O Molokai, Inc.

Dear Chairman, Commissioners, and Commission Staff:

Pursuant to the Stipulated Regulatory Schedule attached to the Order Approving Proposed Procedural Order, as modified, filed November 6, 2009, the County of Maui submits its Response to the Statement of Probable Entitlement submitted by Wai'ola O Molokai, Inc. on March 11, 2010.

The County respectfully submits that the Commission should not grant Wai'ola O Molokai ("WOM") interim relief because WOM has not met its burden of proving that it is "probably entitled" to the relief requested in its rate application filed June 29, 2009. The record developed thus far indicates that there are numerous disputed issues that prevent the Commission from granting WOM interim relief. Those issues include the issues raised by the County of Maui and the Consumer Advocate in their Statements of Probable Entitlement filed March 10, 2010 and March 16, 2010, respectively.

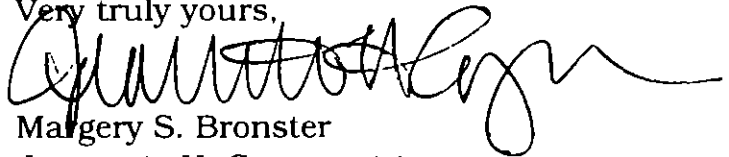
WOM argues it is entitled to interim relief and claims that based on the evidentiary record, WOM has met its burden of proving it is "probably entitled" to the rate relief requested. WOM's statements, however, are merely conclusory and do not adequately address the disputed issues in this case including the

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excess capacity and water loss issues.

Accordingly, the County submits WOM is not entitled to interim relief because disputed issues exist and WOM has failed to demonstrate it is probably entitled to the permanent rate relief requested.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Margery S. Bronster', with a long horizontal flourish extending to the right.

Margery S. Bronster  
Jeannette H. Castagnetti

Brian T. Moto  
Jane E. Lovell

Attorneys for the County of Maui

cc: Michael H. Lau, Esq./Yvonne Y. Izu, Esq.  
Consumer Advocate  
James J. Bickerton, Esq.